App F IX 4

Previous References (1944-45 ME) ML File No 42-44
Serial Nos 138 139

Later References
ML 41 46 (11 12)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Inso 20

Part B for Apl 45

SUBJECT

Re Election of Mr S Vasudevan, as the President of the Doddaballapur Town ML C

L — 10281
14/4/45

Notifies the Election —

To

The Compiler ML Q

The D C, B'lore Dist

5/9

From the D C Bangalore dt

No. M1 2571/43 & 17-3-45

Ads a report in the matter

3) Mrs question relates to the election of a President to the Doddballapur Town mel cl A summary of the whole case, as seen from the Dc's report, is put up as follows -

4) One Mr s Vasudevan has been elected as President of the Doddballapur Town, mel cl

5) Mr Srikantiah and two other mel councillors filed a petition contesting the validity of the election of Mr Vasudevan on the ground that Mr Vasudevan and a few other mel councillors have restrained one Mr Chikka Shelvaiah, a nominated councillor in a private house on the day of the election and thereby prevented him from attending the mel meeting on the prescribed time fixed for the purpose

6) But for this action on the part of the Respondent, the petitioners state, that the ~~election~~ results of the election would have been different

7) The S D O who conducted the inquiry in the matter is of opinion that there are no grounds to set aside the election of Sri Vasudevan and on upholding the same, he states that Sri Chelvarah remained of his own accord and he was not restrained by anybody from going over to the meeting hall etc

H

8) But the statement made by Sri Chelvarah before the S D O is ~~obtained by force~~ and the result obtained by the S D O the place with regard to the disappearance of Sri Chelvarah during day time on the Town on the day of election, show ~~the clearly~~ that the motive of the Respondent and his party was to prevent Sri Chelvarah from attending the meeting and ~~to~~ exercising his vote at the election ~~he was beaten~~

*I (reverse)

6077/2 Election of President to the Bodoland Autonomous Council 2866/2015

9) In the circumstances, as the consequences of the means adopted by the Respondent and others in this respect have resulted in the absence of Mr Chelvaraj at the meeting held for the election of President, the election of Mr S Vasudevan may perhaps be set aside The Law Secretary may be consulted in the matter

10) subject to orders in the reference to para 4 & 2 supra

Mrs 21/3 11) The opinion of the Law Dept may perhaps be obtained on the several points alleged in the objections petition and in the findings of the Enquiry Officer Whether the absence of Mr Chikka - Chelvaraj from the meeting in the circumstances stated would vitiate the election is also a matter to be decided by the Govt The file will be sent to the Law Secretary for opinion on the above points

Law Secy 21/3 Law

Information given 12) Secy 21-3-15

Addl Secy 13) Law 21/3

Law Secy 14) Secy 21-3-15

7866/pmm

Election of Pr. dent of Doddaballapur Town Mcl

Subd with ref to para 11 supra -

15/ The point for consideration is whether one Chikkachelluvaiah was wrongfully confined and thus prevented from voting whether it amounts to corrupt practice under S 20 A of the Town Municipalities Act so as to vitiate the election of the President held on 29.1.96

Kind of is granted to the petition (Fs Q)

16/ The allegations in para 4 of the petition are — that one Siddabasappa (one of the rival councillors) detained & prevented one Chikkachelluvaiah from voting in spite of his best efforts to come out, that undue pressure was put on him by 8 congressmen, to vote for respondent that this corrupt practice has been done with the respondent's knowledge & consent and that therefore the election is liable to be set aside

17/ Mr Chikkachelluvaiah states (vide statement before SDO Fs D) that he was sent for by one Siddabasappa; he was asked by the latter as to whom he would be voting; the same was already one Vasudevan; that he would vote for ~~Ramaswamy~~ whomsoever he liked,

that he was allowed to do so that he voluntarily stayed in the house of one Channakrishnappa, that he was taking rest and was waiting for others to go to the Mc office, that no body came, and that by the time he went to the Mc office the election was over

(8) Mr Siddaboraiah in his evidence states (Ex P) that it is true he asked one Channachelvaiah to go his vote in favour of one Vasudevan and that he does not know what happened subsequently

(9) Mr Vasudevan the newly elected President denies all these allegations (vide Ex P)

20) The petitioners have not adduced any evidence in their favour, nor cross-examined the witnesses the petitioner complained to the police and the Returning officer (vide Ex J) the police report states, that one Channakrishnaiah voluntarily stayed in one Channakrishnappa house, but that he was not seen furnished with coconut trimmings to go to the Municipal office

Election of President of Dodballs for ward 7866/pres

that one S. Adabraffo + others who promised to take him with them to the Municipal office did not turn up The police dropped the proceedings as there was no ~~wrong~~ cognizable case made out

21) The SDO upheld (vide Fig H) that though the conduct of one Chirama-chandra is not above suspicion, the allegations in the petition are not made out The DC agrees with the SDO (Fig O)

22) Under these circumstances there was no wrongful restraint, the allegations are not proved by the petitioner, there is no evidence to show that once it was done with the Respondents knowledge and consent, so as to amount to corrupt practice under S 20 (h) of the Tamil Nadu Municipalities Act The election appears to be valid Clause 7 of Tamil Nadu is put up for

23) The facts as noted above, also as gleaned from the enclosed record, do not go to prove that the successful candidate was guilty of "corrupt practice" as defined in Sec 20 (4) of the T N Act

NMA 29/3

There is nothing on record to show that Chockalingam was forcibly detained in the house of Siddaboosaffe, with the idea of refraining him from voting in favour of the Pakistan, or that he was bribed by the successful candidate etc The ingredients necessary to prove corrupt practices as laid down in Sec 20(4) of the Act, are wanting in the case Neither is the offence of "undue influence" or "undue temperance" proved in the case

26/ No doubt, the conduct of Chockalingam does not seem to be above suspicion, as pointed by the D.O, but on that account the election of Mr Vandevan cannot be set aside There is not an iota of evidence on record to show that Mr Vandevan committed corrupt practices as is alleged in Sec 20(4) of the Act, & as such, his election cannot be set aside

7723/31/3/45

Law Secy 3/30/3/45

25 Secy 31-3-45

Home Secy 3/31/3

26/ In the circumstances stated above, the election of Mr S Vandevan as President of the Dindigul Municipality must be upheld.

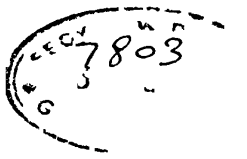
27/ The question of removal of the nominated member Mr Chockalingam is one for the Govt to take up & make a recommendation

6077

to the Govt. if necessary, under the provisions of sec 14 of the Byrnes Transitory Powers Act 1944 Govt would be left to act suo motu in this respect

For orders

Lawrence Lee
Chairman

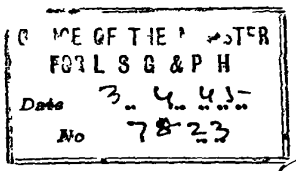


2/ The election may be approved subject to the legal opinion

3-4-45

Lee

Marked 2-SG



from

2/ Lee
8 & cc
Draft notwithstanding

3/ Lee
9 Nov

1/ A draft- note for attention

Lee
9/4

Form
11/4/45

3/ for personal reference

Lawrence
5/4/45

To the Compiler, Byrnes Papers
- MOL 10281 9/4/45

3/ 1) Byrnes
- Notification election of
Mr S Vanderveer as Deputy
in Dodecanese from Mr Caccia
Solved with a draft re

33
Lee
11 Nov

2) Byrnes
Deputy 11 Nov

Joel
19/4

To, Mr Byrnes 19 Nov
2 10649 8/26/4
Mr Caccia

B Lee
2/

[illegible] Public [illegible]

o - 381/1 - 8

Bulletin of the 10 [illegible]

[illegible]

[illegible] Island if, [illegible] B A,
[illegible]
[illegible]
[illegible]

RECEIVED 14 FEB 1945 5357

To

[illegible] Assistant Secretary, B A, B E
Secretary to the Government Division,
Interior Department,
[illegible] C E

SECY LAW DEPT 14 FEB 1945 GOVT HOUSE

Subject - Election of non-Official Representative at Dollbul-lap [illegible] municipality

[illegible] to Government Order No. L [illegible]-8/1 131-4 [illegible] 1944 governing permission to [illegible] a non-Official Representative to the above municipality, I have the honour to [illegible] the election of the non-Official Representative held on 2 January 1945 as per rolls, now which [illegible] Vasquez has been declared as elected. An objection petition has been received in this Office on 3 February 1945 and Rule 7 of the Rules regulating the election of the Representatives in the Town and Municipalities objecting to the validity of the above election. The Revision Officer, Dollbullapur has been requested to conduct the enquiry under Rule 8 of the above Rules and submit the records with his finding thereon.

A further report will be sent to Government soon after the receipt of the report from the Sub-Division Officer, Dollbullapur.

1) For perusal
The receipt of the petition
reference will be awaited
Law dept

I have the honour to be,
Your most obedient [illegible],
[illegible]
Deputy Commissioner
Bhalor District

SECY LAW DEPT

14/2/45

2) [illegible]
15 2 45

Sub A
19/2

42-44-138

Office of the Deputy Commissioner,
Bellary District,
Bellary, dated the 17th March 1945

6077

No. 2071/42-44

From

Khan Saheb Ibrahim Sheriff, B.A., B.L.,
Deputy Commissioner, Bellary District

To

C. Narayanaswamy Naidu, B.A., B.L.,
Legal Practitioner and Secretary to
Govindaraj & Co.,
Law Depot Road,
Bangalore

Sir,

Subject - Election of Non-official President
at Doddaballapur Town Municipality

In continuation of this office letter of even number dated 15-2-1945 on the above subject, I have the honour to forward herewith the record relating to the enquiry of the objection petition preferred by Mr. K. Srikantaiah and 2 other Municipal Councillors and disposed as follows -

The Sub Division Officer, Doddaballapur Sub Division recorded the statements of the concerned parties after examining and cross examining them in regard to the allegations contained in the objection petition. The chief point in objection petition of Mr. K. Srikantaiah and others is that one of the nominated Municipal Councillors by name Mr. Chikkachaluvaiah (Toiker Ket) was forcibly detained in the neighbouring house of Mr. Siddabasappa and his Municipal Councillor under the instigation of Mr. D'Souza Vaz (the present elected President) so that he was not allowed to attend the special meeting held on 29-1-45 and this conduct would amount to corrupt practice. The detailed statement of Chikkachaluvaiah recorded before the Sub Division Officer, Doddaballapur on 2-3-45 clearly proves that he was no trustworthy in the above allegation. In fact Mr. Chikkachaluvaiah himself states that he was not detained by Mr. Siddabasappa and Mr. D'Souza Vaz from coming out of the house on the date of election and that nobody compelled him to vote for Mr. D'Souza Vaz. It is therefore clear that the absence of Mr. Chikkachaluvaiah was purely wanton in his desire to satisfy both the parties, as opined by the Sub Division Officer, Doddaballapur. It is also stated that on the complaint given to the police, recording the allegation of intimidation of Mr. Chikkachaluvaiah on the day of election, the said authorities have come to the conclusion that no cognizable offence was disclosed and hence the matter was not pursued as closed. In the circumstances I agree with the Sub Division Officer, Doddaballapur that the election held on 29-1-45 has been regularly conducted in fact whether the absence of Mr. Chikkachaluvaiah in attending the meeting in the above circumstance violates the provisions of election or not is a fact to be decided by Government.

2. The Sub Division Officer is further of opinion that the conduct of Mr. Chikkachaluvaiah is not above suspicion and that it is not desirable to continue Mr. Chikkachaluvaiah as a nominated Municipal Councillor. As regards the action to be taken to Government regarding his removal if Government considers it necessary in the circumstances reported.

I have the honour to be,
Sir,
Your most obedient servant,

M. Subba Rao
for Deputy Commissioner,
Bellary District
(Issued from Station)

Recd/-

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L-102-81
MM 42-44-139

General and Revenue Secretariat

Dated Bangalore 14/15 April 194 5

NOTIFICATION

Under Section 23 (2) (C) of the Mysore Town Municipalities Act, 1933 Mr.S Vasudevan is elected President of the Doddaballapur Town Municipal Council, Bangalore District.

By Order,

Secretary to Government,
Law Department

To

The Compiler, Mysore Gazette for publication in part III-3 of the Gazette and supply of five copies thereof to the Deputy Commissioner, Bangalore District.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

-10281

General and Revenue Secretariat

Dated Bangalore 14 *194*

ML-42-44-139

NOTIFICATION

By order,

Secretary to Government,
General and Revenue Secretariat.

L-10649 26/4/45

To The Deputy Comr., Bangalore &c

Sir

In continuation of this office memo No L10252/1944 forwarding a copy of note No L10281 of even date re the election of Mr S Varadaraja Iyengar Municipal Council, I am directed to state that the question of removal of Chikkaballapur from the Municipal Council is one for consideration by the Municipal Council in the first instance & that action can be taken by the Govt under section 44 of the Town Municipalities Act only when the Municipal Council moves in the matter

I have &c

for Secretary to Govt

Dy 19/4 on behalf